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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:

JAMIE LYNN GALLIAN,

Debtor.

Case No. 8:21-bk-11710-SC

Chapter 7 Proceeding

**REPLY IN SUPPORT OF MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY (ACTION IN A NON-
BANKRUPTCY FORUM); REQUEST
FOR JUDICIAL NOTICE IN SUPPORT
OF SAME**

Zoom Hearing:

Date: July 19, 2023
Time: 10:00 a.m.
Place: Courtroom 5C
U.S. Bankruptcy Court
411 W. Fourth Street
Santa Ana, CA 92701

**TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES
BANKRUPTCY JUDGE, THE DEBTOR IN PRO PER, THE OFFICE OF THE UNITED
STATES TRUSTEE, THE TRUSTEE AND HIS COUNSEL, AND ALL PARTIES IN
INTEREST:**

The Huntington Beach Gables Homeowners Association (“HOA”) hereby files its Reply in Support of its Motion for Relief from the Automatic Stay (Action in a Non-Bankruptcy Forum) (Docket No. 344) (Motion) and respectfully represents as follows:

I. SUMMARY OF OPPOSITION

Debtor cites the factors set forth in *In re Curtis*, 40 B.R. 795 (Bankr. D. Utah 1984) cited favorably by one judge of the Court as justification to indefinitely hold Movant's claims against a third party hostage and to permanently prejudice the HOA's rights to recover a property located inside the HOA's community and against which the HOA otherwise has lien rights but for Debtor's transfer that HOA alleges is fraudulent. The HOA questions whether the *Curtis* factors are relevant because the HOA's claims are against a third party, but the application of those factors shows why there is cause for stay relief. To the extent the Debtor ever had right to an automatic stay against the HOA's fraudulent transfer claims against Randall Nickel, Debtor forfeited that right upon the denial of her discharge. 11 U.S.C. § 362(c)(2)(C). Finally, the HOA needs relief from the stay because the Orange County Superior Court is unable or unwilling to exercise jurisdiction without a judicial determination that any stay of the HOA's claims is lifted. Until and unless this Court determines that the HOA is granted relief from the stay, the HOA's rights will be prejudiced.

II. STATEMENT OF FACTS

The basic facts underlying the Motion are simple. Debtor leased and previously resided at 4476 Alderport Drive, Unit 53, Huntington Beach, CA 92649 ("Unit 53") located in the HOA's community. While there, Debtor and the HOA had several disputes which resulted in litigation and judgments in favor of the HOA and against Debtor as shown by the HOA's amended proof of claim filed on October 25, 2022. (See **Exhibit "1"** to the Request for Judicial Notice ("RJN") annexed hereto.) On October 31, 2018, during the litigation between Debtor and the HOA and before the entry of judgments against her, Debtor transferred Unit 53 to Randall Nickel, allegedly in cash sale ("Transfer"). But for the Transfer, the HOA would have the right to execute on Unit 53 pursuant to its recorded CC&Rs. (See Motion, at 34.) Accordingly, as a cross-complaint against Randall Nickel in which Debtor was joined only as a necessary party,¹ the HOA sued Nickel to avoid the Transfer as a voidable transaction under California Civil Code §§ 3439.04 and 3439.07 and for an injunction

¹ The HOA is evaluating whether it will seek to dismiss Debtor as a defendant in the Action. However, there is no longer any stay protecting the Debtor by operation of 11 U.S.C. § 362(c)(2)(C). At this time, the HOA is only seeking relief from the automatic stay as to Mr. Nickel. (See Motion, at 6.)

1 against further transfers of Unit 53 pursuant to California Civil Code § 3439.07(a)(3)(A). (See
2 Motion, at 10-15.)

3 **III. ARGUMENT**

4 **A. There is No Longer a Stay as to Actions Against the Debtor Preventing the**
5 **HOA's Prosecution of the Action in Full**

6 In all candor to the Court, recent case law does suggest that the automatic stay under 11
7 U.S.C. § 362(a)(1) applies even to actions against non-debtor third parties where a fraudulent
8 transfer is at issue. *See Koeberer v. Cal. Bank of Commerce (In re Koeberer)*, 632 B.R. 680 (B.A.P.
9 9th Cir. 2021). Unfortunately for Debtor, the automatic stay under 11 U.S.C. § 362(a)(1) terminated
10 upon the Court's entry of judgment denying her discharge.

11 As Section 362(c)(2)(C) clearly provides:

12 (c) Except as provided in subsections (d), (e), (f), and (h) of this section—

13 (1) the stay of an act against property of the estate under subsection (a) of this
14 section continues until such property is no longer property of the estate;

15 **(2) the stay of any other act under subsection (a) of this section continues**
16 **until the earliest of—**

17 (A) the time the case is closed;

18 (B) the time the case is dismissed; or

19 **(C) if the case is a case under chapter 7 of this title concerning an**
20 **individual or a case under chapter 9, 11, 12, or 13 of this title, the time**
21 **a discharge is granted or denied**

22 11 U.S.C. § 362(c). Accordingly, while the automatic stay provided for under Section 362(a)(3)
23 survives to protect property of the estate, no other stay, including the stay against actions to collect
24 claims against the Debtor (11 U.S.C. § 362(a)(1)), applies. Given that there is no stay either as to
25 Nickel or Debtor regarding the Action, cause exists to grant relief under Section 362(d)(1) of the
26 Bankruptcy Code. Moreover, the Action is no longer property of the Estate stayed under Section
27 362(a)(3). The Trustee expressly abandoned the Action by order entered on September 23, 2022.
28 (See Motion, at 94-95.)

25 **B. The *Curtis* Factors Are Inapplicable, But Even if they Applied, the HOA**
26 **Prevails Under Them**

27 The law of this Circuit is that no bankruptcy court may bind another, nor can a district court
28 bind a bankruptcy court except in a direct appeal. *See In re Silverman*, 616 F.3d 1001, 1006 & n.2

(9th Cir. 2010). Thus, when Judge Carroll applied the *Curtis* factors to determine cause under Section 362(d)(1) in *Truebro, Inc. v. Plumberex Specialty Prods., Inc. (In re Plumberex Specialty Prods., Inc.)*, 311 B.R. 551, 558-59 (Bankr. C.D. Cal. 2004), that decision is not binding on this Court, nor does it appear that *Curtis* a mandatory consideration to determine cause to grant relief from stay when the stay no longer exists by operation of Section 362.

Assuming arguendo that the *Curtis* factors are relevant on the Motion, they show that the HOA must prevail:

<i>Curtis</i> Factor	Analysis
1. Whether the relief will result in a partial or complete resolution of the issues;	Relief from stay for the HOA to pursue the Action will result in a complete resolution in state court on the issue of whether Debtor transferred Unit 53 with actual intent or constructively to hinder, delay, or defraud her creditors. The Court would arguably abstain from the Action in its entirety because it does not arise under Title 11, it did not arise in the bankruptcy case, and is no longer related to the bankruptcy case because the Trustee abandoned it.
2. The lack of any connection with or interference with the bankruptcy case;	Again, relief from the stay is proper because it does not interfere with the bankruptcy case: the estate has no interest in the Action and there is no automatic stay protecting the Debtor to prevent the Action from proceeding.
3. Whether the foreign proceeding involves the debtor as a fiduciary;	This factor appears to be inapplicable.
4. Whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases;	This factor appears to be inapplicable.
5. Whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation;	This factor is inapplicable.
6. Whether the action essentially involves third parties, and the debtor functions only as a bailee or conduit for the goods or proceeds in question;	This factor weighs strongly in favor of granting relief from the automatic stay. In point of fact, the Action is stayed because the Superior Court judge has requested confirmation from this Court that no stay applies.
7. Whether the litigation in another forum	This factor also weighs in favor of the HOA.

1 2 3 4 5	would prejudice the interests of other creditors, the creditors' committee and other interested parties;	The only party with an interest in the Action is the HOA to recover a property located within its community that Debtor allegedly fraudulently transferred to Nickel, a suspicious new occupant in the HOA's community. Debtor cannot credibly maintain that her interests are prejudiced when she transferred away her leasehold interest to Nickel.
6 7 8 9 10	8. Whether the judgment claim arising from the foreign action is subject to equitable subordination under Section 510(c). Whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under Section 522(f). The interests of judicial economy and the expeditious and economical determination of litigation for the parties;	This factor is inapplicable.
11 12 13 14	11. Whether the foreign proceedings have progressed to the point where the parties are prepared for trial, and	This factor is inapplicable where Debtor freely admits that the foreign proceeding did not near trial because her purpose in filing for bankruptcy was to terminate the Action. (See Amended Response to Motion, at 16:25-26.)
15 16 17 18 19 20	12. The impact of the stay on the parties and the "balance of hurt."	This factor weighs strongly in favor of the HOA because Nickel continues to be an occupant in the HOA's community as a result of Debtor's unlawful prepetition transfer. Debtor's only response is that she has provided all the documents she needed to. This cannot be the case as she has had her discharge denied under 11 U.S.C. § 727(a)(5) and consequently no automatic stay protects her under 11 U.S.C. § 362(a)(1).

Debtor calls upon the Court to enforce "the spirit of a Fresh Start" (Amended Response, at 21:25-27) even as she has forfeited the same by making false oaths, transferring property with intent to hinder, delay, or defraud creditors, and failing to explain the loss of assets satisfactorily to the Court. (See RJN, **Exhibit "2."**) Since she has no fresh start, the Court should instead enforce the spirit of enabling creditors to enforce their rights in a court of competent jurisdiction that is currently stayed absent a judicial determination that relief from the stay is granted.

///

1 **IV. CONCLUSION**

2 **WHEREFORE**, the HOA respectfully requests that the Motion be granted.

3 Respectfully submitted,

4 DATED: July 12, 2023

GOE FORSYTHE & HODGES LLP

5 By: /s/ Brandon J. Iskander

6 Robert P. Goe

7 Brandon J. Iskander

8 Attorneys for The Huntington Beach

9 Gables Homeowners' Association

REQUEST FOR JUDICIAL NOTICE

Federal courts may take judicial notice of facts which are “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Federal Rule of Evidence 201(c)(2). This includes proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to the matters at issue. *U.S. ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992). The court may also take judicial notice of undisputed facts that are contained in extrinsic materials, such as public land records. *See Mir v. Little Co. of Mary Hosp.*, 844 F.2d 646, 649 (9th Cir. 1988). Based on the foregoing, Movant requests the Court take judicial notice of the following:

1. A true and correct copy of the Movant’s Amended Claim 1 filed on October 25, 2022 in *In re Jamie Lynn Gallian*, Case No. 8:21-bk-11710-SC, a bankruptcy case before the United States Bankruptcy Court for the Central District of California, Santa Ana Division (“Bankruptcy Court”) is attached hereto and incorporated herein as **Exhibit “1.”**

2. A true and correct copy of the Bankruptcy Court’s Judgment Denying Debtor’s Discharge Pursuant to 11 U.S.C. §§ 727(a)(2)(A), (a)(4), and (a)(5) entered on July 7, 2023 in *Houser Bros. Co. v. Gallian*, Adv. No. 8:21-ap-01097-SC is attached hereto and incorporated herein as **Exhibit “2.”**

Respectfully submitted,

Dated: July 12, 2023

GOE FORSYTHE & HODGES LLP

By: /s/ Brandon J. Iskander

Robert P. Goe

Brandon J. Iskander

Attorneys for the Huntington Beach Gables
Homeowners Association

EXHIBIT 1

EXHIBIT 1

Fill in this information to identify the case:

Debtor 1 JAMIE LYNN GALLIAN

Debtor 2
(Spouse, if filing) _____

United States Bankruptcy Court for the: Central District of California

Case number 8:21-bk-11710-SC

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>The Huntington Beach Gables Homeowners Association</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____		
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>Robert P. Goe / Goe Forsythe & Hodges LLP</u> Name <u>17701 Cowan Ave, Suite 210</u> Number Street <u>Irvine</u> <u>CA</u> <u>92614</u> City State ZIP Code Contact phone <u>949-798-2460</u> Contact email <u>rgoe@goeforlaw.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) <u>Huntington Beach Gables Homeowners Assn.</u> Name <u>c/o Goe Forsythe & Hodges, 17701 Cowan Ave</u> Number Street <u>Suite 210, Irvine</u> <u>CA</u> <u>92610</u> City State ZIP Code Contact phone <u>949-798-2460</u> Contact email <u>rgoe@goeforlaw.com</u>	
4. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>Claim 1</u> Filed on <u>07/05/2022</u> MM / DD / YYYY		
5. Do you know if anyone else has filed a proof of claim for this claim?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>3</u> <u>9</u> <u>3</u> <u>6</u>
7. How much is the claim?	At least \$553,774.84 (not including additional interest, fees and other costs) \$ <u>553,774.84</u> . Does this amount include interest or other charges? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>Judgments, delinquent assessments, other charges</u>
9. Is all or part of the claim secured?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input checked="" type="checkbox"/> Other. Describe: <u>Abstracts of judgment, ORAP lien</u> Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ <u>Unknown</u> Amount of the claim that is secured: \$ <u>Unknown</u> Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 10/25/2022
MM / DD / YYYY

/s/ Robert P. Goe

Signature

Print the name of the person who is completing and signing this claim:

Name Robert P. Goe
First name Middle name Last name

Title Attorney

Company Goe Forsythe & Hodges LLP
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 17701 Cowan Avenue, Suite 210
Number Street

Irvine CA 92614
City State ZIP Code

Contact phone (949) 798-2460 Email rgoe@goeforlaw.com

Creditor: Huntington Beach Gables Homeowners Association
Claim Itemization under FRBP 3001(c)(2)
October 25, 2022

Claim 1 - Table of Judgment in favor of The Huntington Beach Gables Homeowners Association against Debtor Jamie Lynn Gallian

OCSC Case Number	Case Name	Date of Abstract	Dollar Amount	Number of Pages
30-2017-00962999	The Huntington Beach Gables HOA v. Gallian	4/30/2019	\$9265; plus 10% per annum from 03/21/19, which is the date of court ordered judgment	4 pages
Total Amount			\$12,590.25	

Claim 2 - Table of Judgment in favor of The Huntington Beach Gables Homeowners Association against Debtor Jamie Lynn Gallian

OCSC Case Number	Case Name	Date of Abstract	Dollar Amount	Number of Pages
30-2017-00913985	The Huntington Beach Gables HOA v. Bradley, Gallian, et al.	5/14/2019	\$319,653.59; plus 10% per annum. Note, Item 8a of this abstract includes two judgments in one: first, the OC court's judgment order issued against Debtor for court's sanctions on 09/27/18 and the related abstract issued on 11/16/18 in the amount of \$3070.00; second, the court's judgment amount of \$316,583.59 issued on 5/6/2019 and related abstract issued on 5/14/19	12 pages
Total Amount			\$430,535.95	

Claim 3 - Table of Debtor's Unpaid Legal Fees, Assessments and Fines Owed to The Huntington Beach Gables Homeowners Association by Debtor, Jamie Lynn Gallian

Dates of Unpaid Legal Fees, Delinquent Assessments, and Fines	Account number	Dollar Amount including Interest from date of assessment	
02/20/18	HOA account #21776	\$6,785.22; \$5300.50 unpaid special assessment plus 6% interest per annum	
2018 OC Recorder's Office Fees	HOA account #21776	\$680.00	
Fines for Violations of the CC&Rs	HOA account #21776	\$23,140	
Unpaid monthly HOA dues	HOA account #21776	\$1,586.90 (\$1292.00 for 4 months of unpaid monthly assessments plus 6% interest per annum)	
The Huntington Beach Gables HOA v. Nickel, Gallian, et al., OCSC Case No. 30-2020-01163055	State court UVTA case re transfer of Debtor's condo to Nickel	\$78,456.52, legal fees and costs (ongoing UVTA state court litigation so additional legal fees and costs in the future)	
Total Amount		\$110,648.64	

Grand Total: \$553,774.84

RECORDING REQUESTED BY:

THE HUNTINGTON BEACH GABLES
HOMEOWNERS ASSOCIATION

WHEN RECORDED MAIL TO:

THE HUNTINGTON BEACH GABLES
HOMEOWNERS ASSOCIATION
Epsten Grinnell & Howell, APC
10200 Willow Creek Road, Suite 100
San Diego, CA 92131-1138

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



103.00

* \$ R 0 0 1 0 8 1 1 4 2 8 \$ *

2019000148568 4:19 pm 05/03/19

105 417 A03 4

0.00 0.00 0.00 0.00 9.00 10.00 0.000.0075.00 3.00

Title:

ABSTRACT OF JUDGMENT

THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION

v.

JAMIE LYNN GALLIAN

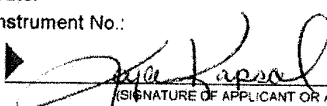
30-2017-00962999-CU-HR-CJC

TT
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FF
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OF


EJ-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number): After recording, return to: Joyce J. Kapsal/Pejman D. SBN: 091950/279260 EPSTEN GRINNELL & HOWELL, APC 10200 WILLOW CREEK ROAD, SUITE 100, SAN DIEGO, CA 92131 TEL NO: 858-527-0111 FAX NO (optional): 858-527-1531 E-MAIL ADDRESS (Optional): jkapsal@epsten.com <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive W091950/esl/ MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, CA 92701-4045 BRANCH NAME: Central Justice Center	

PLAINTIFF: The Huntington Beach Gables Homeowners Association DEFENDANT: Jamie Lynn Gallian	<small>FOR RECORDER'S USE ONLY</small> CASE NUMBER 30-2017-00962999-CU-HR-CJC
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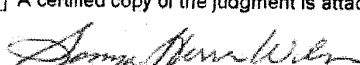
ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS <input type="checkbox"/> Amended 1. The <input checked="" type="checkbox"/> judgment creditor <input type="checkbox"/> assignee of record applies for an abstract of judgment and represents the following: a. Judgment debtor's Name and last known address Jamie L. Gallian 16222 Monterey Lane, #376 Huntington Beach, CA 92649 b. Driver's license no. [last 4 digits] and state: 0742/CA <input type="checkbox"/> Unknown c. Social security no. [last 4 digits]: xx-xx-3936 <input type="checkbox"/> Unknown d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): Jamie L. Gallian, 16222 Monterey Lane, #376 Huntington Beach, CA 92649 2. <input type="checkbox"/> Information on additional judgment debtors is shown on page 2. 3. Judgment creditor (name and address): The Huntington Beach Gables Homeowners Association C/o Epstein Grinnell & Howell, 10200 Willow Creek Road, San Diego, CA 92131 Date: April 3, 2019 Joyce J. Kapsal (TYPE OR PRINT NAME) 4. <input type="checkbox"/> Information on additional judgment creditors is shown on page 2. 5. <input type="checkbox"/> Original abstract recorded in this county: a. Date: b. Instrument No.: <div style="text-align: right;"> (SIGNATURE OF APPLICANT OR ATTORNEY)</div>	<small>FOR COURT USE ONLY</small> <div style="border: 2px solid black; padding: 10px; margin: 10px auto; width: 80%;">Pursuant to California Government Code § 68150(f), the Clerk of the Court hereby certifies this document accurately reflects the official court record. The electronic signature and seal on this document have the same validity and legal force and effect as an original clerk's signature and court seal. California Government Code § 68150(g).</div>
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6. Total amount of judgment as entered or last renewed: \$ 9265.00 7. All judgment creditors and debtors are listed on this abstract. 8. a. Judgment entered on (date): March 21, 2019 b. Renewal entered on (date): 9. <input type="checkbox"/> This judgment is an installment judgment.	10. <input type="checkbox"/> An <input type="checkbox"/> execution lien <input type="checkbox"/> attachment lien is endorsed on the judgment as follows: a. Amount: \$ b. In favor of (name and address): 11. A stay of enforcement has a. <input checked="" type="checkbox"/> not been ordered by the court. b. <input type="checkbox"/> been ordered by the court effective until (date): 12. a. <input checked="" type="checkbox"/> I certify that this is a true and correct abstract of the judgment entered in this action. b. <input type="checkbox"/> A certified copy of the judgment is attached.
---	--



David H. Yamasaki, Clerk of the Court

This abstract issued on (date):
04/30/2019

Clerk, by  S. Wilson
Deputy

PLAINTIFF: The Huntington Beach Gables Homeowners Association
DEFENDANT: Jamie Lynn Gallian

COURT CASE NO.:
30-2017-00962999-CU-HR-CJC

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (*name and address*):

14. Judgment creditor (*name and address*):

15. ☐ Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

17. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

18. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

19. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

20. ☐ Continued on Attachment 20.

POS-050/EFS-050	
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 91950/ 279260 NAME: Joyce J. Kapsal / Pejman D. Kharrazian, Esq. FIRM NAME: EPSTEN GRINNELL & HOWELL, APC STREET ADDRESS: 10200 WILLOW CREEK ROAD, SUITE 100 CITY: SAN DIEGO STATE: CA ZIP CODE: 92131 TELEPHONE NO.: 858-527-0111 FAX NO.: 858-527-1531 E-MAIL ADDRESS: jkapsal@epsten.com / pkharrazian@epsten.com ATTORNEY FOR (name): Huntington Beach Gables Homeowners Association	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center	CASE NUMBER: 2017-00962999-CU-HR-CJC
PLAINTIFF/PETITIONER: The Huntington Beach Gables Homeowners Association DEFENDANT/RESPONDENT: Jamie L. Gallian	JUDICIAL OFFICER: Hon. Sherri Honer
PROOF OF ELECTRONIC SERVICE	DEPARTMENT: C-66

1. I am at least 18 years old.
 - a. My residence or business address is (specify): 10200 Willow Creek Road, Suite 100, San Diego, CA 92131
 - b. My electronic service address is (specify): shart@epsten.com
2. I electronically served the following documents (exact titles): Abstract of Judgment – Civil and Small Claims

☐ The documents served are listed in an attachment. (Form POS-050(D)/EFS-050(D) may be used for this purpose.)

3. I electronically served the documents listed in 2 as follows:
 - a. Name of person served: Steven A. Fink
 On behalf of (name or names of parties represented, if person served is an attorney):
 Jamie L. Gallian
 - b. Electronic service address of person served : sfink@stevefinklaw.com
 - c. On (date): April 19, 2019

☐ The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment.
 (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: April 19, 2019

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Stephanie Hart

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

4B

EJ-001

Recording Requested by and When Recorded Mail to
Joyce J. Kapsal / Pejman D. SBN: 091950 / 279260
EPSTEIN GRINNELL & HOWELL, APC
10200 Willow Creek Road, Suite 100
San Diego, CA 92131

TEL NO.: 858-527-0111 FAX NO. (optional): 858-527-1531

E-MAIL ADDRESS (Optional): jkapsal@epsten.com /

☒ ATTORNEY ☒ JUDGMENT ☐ ASSIGNEE
FOR CREDITOR OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

STREET ADDRESS 700 Civic Center Drive West

MAILING ADDRESS: 700 Civic Center Drive West

CITY AND ZIP CODE: Santa Ana, CA 92701

BRANCH NAME: Central Justice Center

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



90.00

* \$ R 0 0 1 0 8 3 8 3 3 9 \$ *

2019000165259 12:56 pm 05/16/19

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FOR RECORDER'S USE ONLY

PLAINTIFF: The Huntington Beach Gables Homeowners Association
DEFENDANT: Sandra Bradley, et al.

CASE NUMBER

30-2017-00913985-CU-CO-CJC

**ABSTRACT OF JUDGMENT—CIVIL
AND SMALL CLAIMS**

☒ Amended

FOR COURT USE ONLY

Pursuant to California Government Code § 68150(f), the Clerk of the Court hereby certifies this document accurately reflects the official court record. The electronic signature and seal on this document have the same validity and legal force and effect as an original clerk's signature and court seal. California Government Code § 68150(g).

11
20
08
FF
CF

1. The ☒ judgment creditor ☐ assignee of record applies for an abstract of judgment and represents the following:
a. Judgment debtor's

Name and last known address

Jamie L. Gallian
4476 Alderport Drive #53
Huntington Beach, CA 92649

- b. Driver's license no. [last 4 digits] and state: 0742 / CA ☐ Unknown
c. Social security no. [last 4 digits]: xxx-xx-3936 ☐ Unknown
d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address):
4476 Alderport Drive #53, Huntington Beach, CA 92649

2. ☐ Information on additional judgment debtors is shown on page 2.

3. Judgment creditor (name and address):
The Huntington Beach Gables Homeowners Association
c/o Epstein Grinnell & Howell, 10200 Willow
Creek Rd, Ste 100, San Diego, CA 92131

Date: May 8, 2019

Joyce J. Kapsal

(TYPE OR PRINT NAME)

4. ☐ Information on additional judgment creditors is shown on page 2.
5. ☐ Original abstract recorded in this county:

a. Date:

b. Instrument No.:

(SIGNATURE OF APPLICANT OR ATTORNEY)

6. Total amount of judgment as entered or last renewed:
\$ 319,653.59

7. All judgment creditors and debtors are listed on this abstract.

8. a. Judgment entered on (date): 5/6/2019 [9/27/2018 sanctions]
b. Renewal entered on (date):

9. ☐ This judgment is an installment judgment.

10. ☐ An ☐ execution lien ☐ attachment lien is endorsed on the judgment as follows:

- a. Amount: \$
b. In favor of (name and address):

11. A stay of enforcement has

- a. ☒ not been ordered by the court.
b. ☐ been ordered by the court effective until (date):

12. a. ☒ I certify that this is a true and correct abstract of the judgment entered in this action.

- b. ☐ A certified copy of the judgment is attached.

[SEAL]



David H. Yamasaki, Clerk of the Court

This abstract issued on (date):
May 14, 2019

Clerk, by

Mary M. Johnson
Deputy

PLAINTIFF: The Huntington Beach Gables Homeowners Association DEFENDANT: Sandra Bradley, et al.	COURT CASE NO.: 30-2017-00913985-CU-CO-CJC
--	---

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (name and address):

14. Judgment creditor (name and address):

15. ☐ Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (address):

17. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (address):

18. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (address):

19. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (address):

20. ☐ Continued on Attachment 20.

POS-050/EFS-050	
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 118830/ 091950 NAME: Rian W. Jones, Esq. / Joyce J. Kapsal, Esq. FIRM NAME: EPSTEN GRINNELL & HOWELL, APC STREET ADDRESS: 10200 WILLOW CREEK ROAD, SUITE 100 CITY: SAN DIEGO STATE: CA ZIP CODE: 92131 TELEPHONE NO.: 858-527-0111 FAX NO.: 858-527-1531 E-MAIL ADDRESS: rjones@epsten.com / jkapsal@epsten.com ATTORNEY FOR (name): The Huntington Beach Gables Homeowners Association	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center	CASE NUMBER: 30-2017-00913985-CU-CO-CJC
PLAINTIFF/PETITIONER: The Huntington Beach Gables Homeowners Association DEFENDANT/RESPONDENT: Sandra Bradley, et al.	JUDICIAL OFFICER: Hon. James L. Crandall
PROOF OF ELECTRONIC SERVICE	DEPARTMENT: C-33

1. I am at least 18 years old.

a. My residence or business address is (specify): 10200 Willow Creek Road, Suite 100, San Diego, CA 92131

b. My electronic service address is (specify): dmorrow@epsten.com

2. I electronically served the following documents (exact titles):

ABSTRACT OF JUDGMENT

☐ The documents served are listed in an attachment. (Form POS-050(D)/EFS-050(D) may be used for this purpose.)

3. I electronically served the documents listed in 2 as follows:

a. Name of person served: Steven A. Fink

On behalf of (name or names of parties represented, if person served is an attorney):

Jamie L. Gallian

b. Electronic service address of person served : sfink@stevefinklaw.com

c. On (date): May 8, 2019

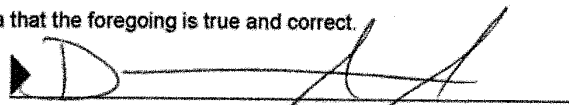
☐ The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment.
(Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: May 8, 2019

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dominique Morrow

(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

Page 1 of 1

Certified Copy of document

THIS IS A CERTIFIED COPY OF THE
RECORD IF IT BEARS THE SEAL, AND
SIGNATURE OF THE ORANGE
COUNTY CLERK-RECORDER.
DATE: 05/20/2019
CERTIFICATION FEE: 4.00



COUNTY CLERK-RECORDER

Hugh Nguyen

ORANGE COUNTY
STATE OF CALIFORNIA

Number 2019000165259

7

Recorded In Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



97.00

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EJ-001

Recording Requested by and When Recorded Mail to
Joyce J. Kapsal SBN: 091950
Epsten Grinnell & Howell, APC
10200 WILLOW CREEK ROAD, SUITE 100
SAN DIEGO, CA 92131
TEL NO: 858-527-0111 FAX NO (optional): 858-527-1531
E-MAIL ADDRESS (Optional):
☒ ATTORNEY ☒ JUDGMENT ☐ ASSIGNEE
FOR CREDITOR OF RECORD
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
STREET ADDRESS 700 Civic Center Drive West
MAILING ADDRESS: 700 Civic Center Drive West
CITY AND ZIP CODE: Santa Ana, CA 92701
BRANCH NAME Central Justice Center

FOR RECORDER'S USE ONLY

PLAINTIFF: The Huntington Beach Gables Homeowners Association
DEFENDANT: Jamie L. Gallian

CASE NUMBER
30-2017-00913985-CU-CO-CJC

ABSTRACT OF JUDGMENT—CIVIL
AND SMALL CLAIMS

☐ Amended

FOR COURT USE ONLY

1. The ☒ judgment creditor ☐ assignee of record
applies for an abstract of judgment and represents the following:
a. Judgment debtor's

Name and last known address

Jamie L. Gallian
4476 Alderport Drive #53
Huntington Beach, CA 92649

- b. Driver's license no. [last 4 digits] and state: 0742 / CA ☐ Unknown
c. Social security no. [last 4 digits]: xxx-xx-3936 ☐ Unknown
d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address):
Jamie L. Gallian, 4476 Alderport Drive #53, Huntington Beach, CA 92649

Pursuant to California Government
Code § 68150(f), the Clerk of the
Court hereby certifies this document
accurately reflects the official court
record. The electronic signature and
seal on this document have the
same validity and legal force and
effect as an original clerk's
signature and court seal. California
Government Code § 68150(g).

2. ☐ Information on additional judgment debtors is
shown on page 2.
3. Judgment creditor (name and address):
The Huntington Beach Gables Homeowners Association
c/o Epsten Grinnell & Howell, 10200 Willow
Creek Rd, Ste 100, San Diego, CA 92131
Date: November 9, 2018
Joyce J. Kapsal
(TYPE OR PRINT NAME)

4. ☐ Information on additional judgment creditors is
shown on page 2.
5. ☐ Original abstract recorded in this county:

- a. Date:
b. Instrument No.:

(SIGNATURE OF APPLICANT OR ATTORNEY)

6. Total amount of judgment as entered or last renewed:
\$ 3,070.00
7. All judgment creditors and debtors are listed on this abstract.
8. a. Judgment entered on (date): 9/27/2018 [sanctions]
b. Renewal entered on (date):

10. ☐ An ☐ execution lien ☐ attachment lien
is endorsed on the judgment as follows:
a. Amount: \$
b. In favor of (name and address):

9. ☐ This judgment is an installment judgment.

11. A stay of enforcement has
a. ☒ not been ordered by the court.
b. ☐ been ordered by the court effective until
(date):
12. a. ☒ I certify that this is a true and correct abstract of
the judgment entered in this action.
b. ☐ A certified copy of the judgment is attached.



David H. Yamasaki, Clerk of the Court

This abstract issued on (date):
11/16/2018

Clerk, by
S. Wilson, Deputy

PLAINTIFF: The Huntington Beach Gables Homeowners Association DEFENDANT: Jamie L. Gallian	COURT CASE NO.: 30-2017-00913985-CU-CO-CJC
--	---

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (*name and address*):

14. Judgment creditor (*name and address*):

15. ☐ Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

17. Name and last known address

Driver's license no. [last 4 digits] and state:

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Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

18. Name and last known address

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☐ Unknown

Summons was personally served at or mailed to (*address*):

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☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

20. ☐ Continued on Attachment 20.

EJ-001

Recording Requested by and When Recorded Mail to
Joyce J. Kapsal / Pejman D. SBN: 091950 / 279260
EPSTEN GRINNELL & HOWELL, APC
10200 Willow Creek Road, Suite 100
San Diego, CA 92131

TEL NO. 858-527-0111 FAX NO. (optional) 858-527-1531

E-MAIL ADDRESS (Optional): jkapsal@epsten.com /

☒ ATTORNEY FOR ☒ JUDGMENT CREDITOR ☐ ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
STREET ADDRESS: 700 Civic Center Drive West
MAILING ADDRESS: 700 Civic Center Drive West
CITY AND ZIP CODE: Santa Ana, CA 92701
BRANCH NAME: Central Justice Center

FOR RECORDER'S USE ONLY

PLAINTIFF: The Huntington Beach Gables Homeowners Association
DEFENDANT: Sandra Bradley, et al.

CASE NUMBER
30-2017-00913985-CU-CO-CJC

**ABSTRACT OF JUDGMENT—CIVIL
AND SMALL CLAIMS**

☒ Amended

FOR COURT USE ONLY

Pursuant to California Government Code § 68150(f), the Clerk of the Court hereby certifies this document accurately reflects the official court record. The electronic signature and seal on this document have the same validity and legal force and effect as an original clerk's signature and court seal. California Government Code § 68150(g).

1. The ☒ judgment creditor ☐ assignee of record applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

Jamie L. Gallian
4476 Alderport Drive #53
Huntington Beach, CA 92649

- b. Driver's license no. [last 4 digits] and state: 0742 / CA ☐ Unknown
c. Social security no. [last 4 digits]: xxx-xx-3936 ☐ Unknown
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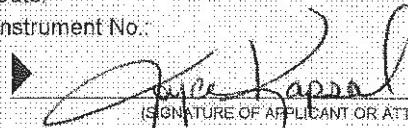
2. ☐ Information on additional judgment debtors is shown on page 2.
3. Judgment creditor (name and address):
The Huntington Beach Gables Homeowners Association
c/o Epsten Grinnell & Howell, 10200 Willow Creek Rd, Ste 100, San Diego, CA 92131
Date: May 8, 2019

4. ☐ Information on additional judgment creditors is shown on page 2.
5. ☐ Original abstract recorded in this county:

- a. Date:
b. Instrument No.:

Joyce J. Kapsal

(TYPE OR PRINT NAME)

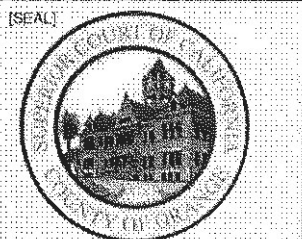

(SIGNATURE OF APPLICANT OR ATTORNEY)

6. Total amount of judgment as entered or last renewed:
\$ 319,653.59
7. All judgment creditors and debtors are listed on this abstract.
8. a. Judgment entered on (date): 5/6/2019 [9/27/2018 sanctions]
b. Renewal entered on (date):

10. ☐ An ☐ execution lien ☐ attachment lien is endorsed on the judgment as follows:
a. Amount \$
b. In favor of (name and address):

9. ☐ This judgment is an installment judgment.

11. A stay of enforcement has
a. ☒ not been ordered by the court.
b. ☐ been ordered by the court effective until (date).
12. a. ☒ I certify that this is a true and correct abstract of the judgment entered in this action.
b. ☐ A certified copy of the judgment is attached.



David H. Yamasaki, Clerk of the Court

This abstract issued on (date):
May 14, 2019

Clerk, by



Mary M. Johnson
Deputy

PLAINTIFF: The Huntington Beach Gables Homeowners Association
DEFENDANT: Sandra Bradley, et al.

COURT CASE NO:
30-2017-00913985-CU-CO-CJC

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (*name and address*):

14. Judgment creditor (*name and address*):

15. ☐ Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

Driver's license no. [last 4 digits] and state: ☐ Unknown

Social security no. [last 4 digits]: ☐ Unknown

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17. Name and last known address

Driver's license no. [last 4 digits] and state: ☐ Unknown

Social security no. [last 4 digits]: ☐ Unknown

Summons was personally served at or mailed to (*address*):

18. Name and last known address

Driver's license no. [last 4 digits] and state: ☐ Unknown

Social security no. [last 4 digits]: ☐ Unknown

Summons was personally served at or mailed to (*address*):

19. Name and last known address

Driver's license no. [last 4 digits] and state: ☐ Unknown

Social security no. [last 4 digits]: ☐ Unknown

Summons was personally served at or mailed to (*address*):

20. ☐ Continued on Attachment 20.

POS-050/EFS-050

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO. 118830/ 091950 NAME: Rian W. Jones, Esq. / Joyce J. Kapsal, Esq. FIRM NAME: EPSTEN GRINNELL & HOWELL, APC STREET ADDRESS: 10200 WILLOW CREEK ROAD, SUITE 100 CITY: SAN DIEGO STATE CA ZIP CODE: 92131 TELEPHONE NO. 858-527-0111 FAX NO. 858-527-1531 E-MAIL ADDRESS: rjones@epsten.com / jkapsal@epsten.com ATTORNEY FOR (name): The Huntington Beach Gables Homeowners Association	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center	CASE NUMBER: 30-2017-00913985-CU-CO-CJC
PLAINTIFF/PETITIONER: The Huntington Beach Gables Homeowners Association DEFENDANT/RESPONDENT: Sandra Bradley, et al.	JUDICIAL OFFICER: Hon. James L. Crandall
PROOF OF ELECTRONIC SERVICE	DEPARTMENT: C-33

1. I am at least 18 years old.
 - a. My residence or business address is (specify): 10200 Willow Creek Road, Suite 100, San Diego, CA 92131
 - b. My electronic service address is (specify): dmorrow@epsten.com

2. I electronically served the following documents (exact titles):

ABSTRACT OF JUDGMENT

☐ The documents served are listed in an attachment. (Form POS-050(D)/EFS-050(D) may be used for this purpose.)

3. I electronically served the documents listed in 2 as follows:

- a. Name of person served: Steven A. Fink

On behalf of (name or names of parties represented, if person served is an attorney):

Jamie L. Gallian

- b. Electronic service address of person served: sfink@stevefinklaw.com

- c. On (date): May 8, 2019

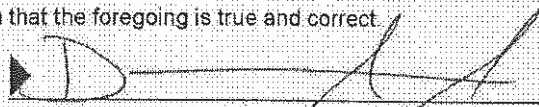
☐ The documents listed in Item 2 were served electronically on the persons and in the manner described in an attachment.
(Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: May 8, 2019

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dominique Morrow

(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

Page 1 of 1

ELECTRONICALLY RECEIVED
Superior Court of California,
County of Orange
04/02/2019 at 09:43:07 AM
Clerk of the Superior Court
By Natasha Dorfman, Deputy Clerk

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MAY 06 2019

DAVID H. YAMASAKI, Clerk of the Court

BY: _____ DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

THE HUNTINGTON BEACH GABLES
HOMEOWNERS ASSOCIATION, a
California Nonprofit Mutual Benefit
Corporation,

Plaintiff,

v.

SANDRA L. BRADLEY, individually and
as Trustee of the Sandra L. Bradley Trust;
JAMIE L. GALLIAN, an individual; and
DOES 1 through 25, inclusive,

Defendants.

CASE NO. 37-2017-00913985-CU-CO-CJC

Judge: James L. Crandall
Dept.: C13

~~PROPOSED~~ JUDGMENT IN FAVOR OF
PLAINTIFF THE HUNTINGTON BEACH
GABLES HOMEOWNERS ASSOCIATION
AND AGAINST DEFENDANT JAMIE L.
GALLIAN

Complaint Filed: April 11, 2017
First Amended Complaint filed: May 16, 2017
Trial Date: September 9, 2019

In this action for Breach of Governing Documents (Architectural Violations) and
Nuisance Defendant Jamie L. Gallian was personally served with the Summons and Complaint
on May 24, 2017. Defendant Gallian filed an answer to the Complaint, and to the First
Amended Complaint. Subsequently, due to her failure to timely respond to discovery, on
February 13, 2019 the Court ordered that Defendant's Answer to the Plaintiff's First Amended
Complaint be stricken, and on February 13, 2019 entered the default against Defendant.
Pursuant to the Court's order of February 13, 2019, Plaintiff The Huntington Beach Gables
Homeowners Association has presented evidence of its costs for abating the nuisance caused by
Defendant Gallian, as alleged in the First Amended Complaint.

3000002v1

JUDGMENT IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT JAMIE L. GALLIAN

1 Upon the Application of Plaintiff, The Huntington Beach Gables Homeowners
2 Association for judgment against Defendant, and upon having reviewed the evidence and
3 declarations, and proof having been made to the satisfaction of this Court, the Court finds in
4 favor of Plaintiff, The Huntington Beach Gables Homeowners Association ("Association"), and
5 against Defendant, Jamie L. Gallian ("Defendant") on all causes of action in the First Amended
6 Complaint filed herein on May 16, 2017.

7 IT IS HEREBY ADJUDGED, ORDERED AND DECREED, as follows:

8 1. As to the First Cause of Action for Breach of Contract, the Court finds that
9 Defendant breached the Association's Governing Documents, including the "Declaration of
10 Covenants, Conditions and Restrictions for Huntington Beach Gables" containing the covenants,
11 conditions and restrictions which governing the properties located within the Association,
12 which was recorded on May 28, 1980, as Document No. 1980-28926 ("CC&Rs");

13 2. At all times mentioned herein, Defendant was the tenant of, resident of, and/or
14 claimed some interest in the condominium unit located within the Association commonly known
15 as 4476 Alderport Drive, Unit 53, Huntington Beach, CA 92649 ("Subject Property");

16 3. As a result of Defendant's breach of contract, Plaintiff's damages include the cost
17 of repairing damage to the Common Area caused by Defendant's failing to adhere to the
18 architectural guidelines and specifications with respect to the construction of the patio cover and
19 by constructing a concrete pad and installing an air conditioning unit on the exterior of
20 Defendant's Subject Property which encroached upon the Association's common area and
21 destroying the Association's landscaping;

22 4. As the Second Cause of Action for Nuisance, the Court finds that Defendant
23 created conditions on the Subject Property that are an annoyance and nuisance to the Association
24 and its residents, and as a result, the Association has incurred attorneys' fees and costs in
25 connection with abating the nuisance;

26 5. Plaintiff is entitled to recover its reasonable attorneys' fees and costs from
27 Defendant pursuant to Civil Code section 5975(c) and Article XIV, Section 14.7 of the
28 Association's CC&Rs;

3106902v1

2
JUDGMENT IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT JAMIE L. GALLIAN

6. Plaintiff is further entitled to recover its costs to repair damage to the Common Area caused by unauthorized installation of the concrete pad and air conditioning unit, causing extensive damage to the landscaping pursuant to the CC&Rs, Article XIV, Section 14.8 as well as costs for removal of the concrete pad and landscaping repairs;

7. Association as Plaintiff, as the prevailing party in the action and pursuant to Civil Code section 5975(o) and Article XIV, Section 14.7 of the Association's CC&Rs, shall recover from Defendant its legal costs in the amount of \$ 10,693.12 and attorneys' fees in the amount of \$ 178,362. Plaintiff shall also recover concrete removal and landscaping repair costs in the amount of \$1,295.00;

8. Association as Cross-Defendant, as the prevailing party in the action and pursuant to Civil Code section 5975(o) and Article XIV, Section 14.7 of the Association's CC&Rs, shall recover from Cross-Complainant its legal costs in the amount of \$ 6,050.47 and attorneys' fees in the amount of \$ 120,183.

9. Judgment is hereby entered in favor of Plaintiff The Huntington Beach Gables Homeowners Association for recovery of its attorney's fees and costs, and costs for concrete removal and landscaping repair costs, against Defendant Jamie L. Gallian, and Defendant is ordered to pay said sums to Plaintiff;

10. Plaintiff The Huntington Beach Gables Homeowners Association is awarded judgment in the total amount of \$ 316,582.59, which will accrue interest at the rate of ten (10%) per annum from the date judgment is entered herein, until paid in full; and

11. Pursuant to Code of Civil Procedure §§ 685.040, 685.080, Defendant Jamie L. Gallian shall pay to Plaintiff any and all sums reasonably incurred by Plaintiff in enforcing the Judgment.

IT IS SO ORDERED.

Dated: 5-6-, 2019


The Honorable James L. Crandall
Judge of the Superior Court

3000092v1

JUDGMENT IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT JAMIE L. GALLIAN

EXHIBIT 2

EXHIBIT 2

1 D. EDWARD HAYS, #162507
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7 Attorneys for Plaintiff,
HOUSER BROS. CO. dba RANCHO DEL
8 REY MOBILE HOME ESTATES

9 UNITED STATES BANKRUPTCY COURT

10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

11 In re
12 JAMIE LYNN GALLIAN,
13 Debtor.

14 HOUSER BROS. CO. dba RANCHO DEL REY
15 MOBILE HOME ESTATES,

16 Plaintiff,

17 v.

18 JAMIE LYNN GALLIAN,
19 Defendant.
20

FILED & ENTERED

JUL 07 2023

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bolte DEPUTY CLERK

Case No. 8:21-bk-11710-SC

Chapter 7

Adv. No. 8:21-ap-01097-SC

JUDGMENT DENYING DEBTOR'S
DISCHARGE PURSUANT TO 11 U.S.C.
§§ 727(a)(2)(A), (a)(4), AND (a)(5)

Trial:

Date: April 26, 2023

Time: 9:30 a.m.

Courtroom: 5C

21
22 On April 26, 2023, a trial was held in the above captioned adversary proceeding (“April 26
23 Trial”) on Plaintiff’s three claims pursuant to 11 U.S.C. § 727. D. Edward Hays, Esq. and Bradford
24 N. Barnhardt, Esq. appeared on behalf of Plaintiff Houser Bros. Co. dba Rancho Del Rey Mobile
25 Home Estates (“Plaintiff”), as did Chris Houser, who appeared and testified as Plaintiff’s
26 representative. Greg Buysman was also called as a witness by Plaintiff. Defendant, Jamie Lynn
27 Gallian (“Defendant” or “Debtor”), appeared pro se and testified. All parties were afforded an
28 opportunity to cross-examine witnesses. Plaintiff and Defendant were permitted the opportunity to

1 present evidence in support of their case and defense. Witnesses were sworn and testimony and
2 documentary evidence was received and admitted into evidence.

3 The Court having heard the testimony and oral argument, having examined the evidence
4 offered by the parties and admitted into evidence, and having reviewed the parties' briefs, as well as
5 Defendant's post-trial declaration filed on May 1, 2023, as Dk. No. 71, and based upon all the
6 evidence, and for the reasons set forth in the Court's Memorandum Decision After Trial Regarding
7 § 727 Claims, entered on May 23, 2023, as Dk. No. 81, the Court has determined that cause exists
8 for Defendant's discharge to be denied. Pursuant to a separate order entered by the Court after a
9 status conference held on June 27, 2023, the Court found that good cause exists and that there is no
10 just reason for delay in entering a final judgment denying Debtor's discharge under 11 U.S.C. § 727
11 pursuant to Rule 54(b) of the Federal Rules of Civil Procedure applicable here pursuant to Rule
12 7054(a) of the Federal Rules of Bankruptcy Procedure. Accordingly, the Court enters final Judgment
13 in favor of Plaintiff as follows:

14 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgment is entered in
15 favor of Plaintiff and against Defendant on the Third Claim for Relief and that Debtor's discharge is
16 denied pursuant to 11 U.S.C. § 727(a)(2)(A);

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is entered in
18 favor of Plaintiff and against Defendant on the Fourth Claim for Relief and that Debtor's discharge
19 is denied pursuant to 11 U.S.C. § 727(a)(4); and


20 ///

21 ///

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is entered in
2 favor of Plaintiff and against Defendant on the Fifth Claim for Relief and that Debtor's discharge is
3 denied pursuant to 11 U.S.C. § 727(a)(5).

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23 Date: July 7, 2023


24 Scott C. Clarkson
United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 17701 Cowan, Bldg. D, Suite 210, Irvine, CA 92614

A true and correct copy of the foregoing document entitled (*specify*): **REPLY IN SUPPORT OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY (ACTION IN A NON-BANKRUPTCY FORUM); REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF SAME** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 12, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) July 12, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Jamie Lynn Gallian
16222 Monterey Ln Unit 376
Huntington Beach, CA 92649

Janine Jasso
PO Box 370161
El Paso, CA 79937

Michael D Poole
Feldsott & Lee
23161 Mill Creek Dr Ste 300
Laguna Hills, CA 92653

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) July 12, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

- The Honorable Scott C. Clarkson, USBC, 411 West Fourth Street, Santa Ana, CA 92701

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 12, 2023
Date

Susan C. Stein
Printed Name

/s/Susan C. Stein
Signature

Mailing Information for Case 8:21-bk-11710-SC

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- Bradford Barnhardt bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, kfrederick@ecf.courtdrive.com
- Aaron E. DE Leest adeleest@DanningGill.com, danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- Jeffrey I Golden (TR) lwerner@go2.law, jig@trustesolutions.net; kadele@go2.law; C205@ecfcbis.com
- D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- Eric P Israel eisrael@danninggill.com, danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- Valerie Smith claims@recoverycorp.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov